

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

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Aron Fischer
Partner
(212) 336-2363
afischer@pbwt.com

By CM/ECF

The Honorable Ronnie Abrams
United States District Court for the Southern District of New York
40 Foley Square, Room 2203
New York, New York 10007

Re: In re Application of Sukhbaatar Batbold For an Order Pursuant to 28 U.S.C. § 1782, 21-mc-00218-RA (S.D.N.Y.)

Dear Judge Abrams:

On behalf of K2 Integrity (“K2”), we write to request a 14-day extension of time to file objections to Magistrate Judge Wang’s October 6, 2021 order granting Sukhbaatar Batbold’s application to conduct discovery for use in foreign proceedings pursuant to 28 U.S.C. § 1782 (“the Order”). Pursuant to Federal Rule of Civil Procedure 72(a), the current (and original) deadline for K2 to file objections to the Order is October 20, 2021. This is K2’s first request for an extension of its time to object to the Order.

K2 requests additional time to file its objections in order to investigate and present to the Court circumstances in Mongolia and elsewhere that are relevant to K2’s objections to the Order. In his application, filed on March 9, 2021, Mr. Batbold stated that he needed discovery of K2 because he believed that then-Mongolian President Khaltmaagiin Battulga, whom Mr. Batbold described as his political rival, was orchestrating a series of “sham” corruption litigations against him on behalf of the Mongolian government in Mongolia and in four foreign jurisdictions, and that discovery of K2, which was involved in the corruption investigations of Mr. Batbold, would reveal that they were nothing more than a “frame-job and a hit-job.” ECF No. 2 at 1, 3. (These supposedly “sham” litigations resulted in orders freezing Mr. Batbold’s assets in multiple jurisdictions, including England and Singapore). Since Mr. Batbold filed his application, President Battulga has stepped down and Mr. Batbold’s political party now holds unbridled political power in Mongolia. In order to prepare its appeal of the Order, K2 needs to communicate further with its Mongolian client and foreign counsel in multiple jurisdictions so that it can properly address the status of these litigations and the validity of Mr. Batbold’s purported ongoing need for discovery of K2.

Both parties previously sought and obtained extensions of time on this same basis—that it is difficult to gather information from individuals located around the world—when the parties were filing briefs before Magistrate Judge Wang. *See* ECF No. 28 (K2 requesting an extension to gather information from foreign jurisdictions); ECF No. 30 (granting K2’s extension request); ECF No. 41 (Mr. Batbold requesting an extension to “gather information from his declarants,

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who are located across multiple time zones in five countries”); ECF No. 42 (granting Mr. Batbold’s extension request).

We informed Mr. Batbold of this request and asked for his consent. Mr. Batbold refused to consent to any extension for the reasons explained in Exhibit 1, which is being appended to this letter-motion at the request of Mr. Batbold’s counsel. *See* Exhibit 1 at 1. In essence, Mr. Batbold opposes K2’s request for a 14-day extension because K2 has not committed to completing document production on the return date of Mr. Batbold’s document subpoena, and Mr. Batbold believes K2 is “stonewalling.” *Id.* Mr. Batbold appears to misapprehend the nature of K2’s request. The requested 14-day extension of K2’s time to object to Magistrate Judge Wang’s order pursuant to Rule 72(a) is a separate issue from what constitutes a reasonable time for K2 to produce documents pursuant to Mr. Batbold’s subpoena. Mr. Batbold’s document subpoena was served on October 8, 2021, and its return date is October 29, 2021, so that question is premature. *See* Exhibit 2 at 1.

It does bear noting, however, that Mr. Batbold’s contention that K2 is “stonewalling” with respect to Mr. Batbold’s October 8, 2021 subpoenas is deeply misguided. Exhibit 1. Although Mr. Batbold filed his 1782 application in March, it was not granted until October 6, 2021, and Mr. Batbold did not serve his subpoenas until October 8. *See* Exhibit 1 at 3 (serving document subpoena on October 8, 2021). Needless to say, K2 was not required to comply with Mr. Batbold’s proposed subpoenas prior to the time that his application to serve those subpoenas was granted, and prior to the time that the subpoenas were served on K2.

Respectfully submitted,

/s/ Aron Fischer

Aron Fischer

cc: All counsel of record (via ECF)

Application granted. K2 may file objections to Judge Wang's order no later than November 3, 2021.

SO ORDERED.



Hon. Ronnie Abrams
October 20, 2021